

JUN 18 2007

DOCKET NO. 97-S-159C1
SERIAL NO. 09/207,136
PATENTREMARKS

Claims 1-8, 11-20, 25-27 and 31-33 were pending in the present application.

Claims 1-8, 11-20, 25-27 and 31-33 are rejected.

Claims 1-8, 11-20, 25-27 and 31-33 remain pending in the present application.

Reconsideration of the claims is respectfully requested.

I. RESPONSE TO THE APPLICANTS' PREVIOUS ARGUMENTS

On pages 6 and 7 of the April 18, 2007 Office Action, the Office provides a response to the Applicants' arguments filed January 24, 2007. These remarks are respectfully traversed.

II. REJECTION UNDER 35 U.S.C. §103

Claims 1-8, 11-17, 19, 20, 25-27 and 31-32 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,963,704 to *Mimura, et al.*, hereinafter "*Mimura*" in view of U.S. Patent No. 5,262,875 to *Mincer*, hereinafter "*Mincer*". In addition, Claims 18 and 33 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Mimura* in view of *Mincer* and in further view of U.S. Patent No. 5,642,171 to *Baumgartner, et al.*, hereinafter, "*Baumgartner*". This rejection is respectfully traversed.

In *ex parte* examination of patent applications, the Patent Office bears the burden of establishing a *prima facie* case of obviousness. MPEP §2142, p. 2100-125 (8th ed. rev. 5, August 2006). Absent such a *prima facie* case, the applicant is under no obligation to produce evidence of nonobviousness. *Id.* To establish a *prima facie* case of obviousness, three basic criteria must be met: *Id.* First, there must be some suggestion or motivation, either in the

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references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. *Id.* Second, there must be a reasonable expectation of success. *Id.* Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *Id.* The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *Id.*

Claim 1 of the present application requires:

A digital audio/video decoder comprising:
a file reader capable of obtaining any of one or more files containing encoded audio/video data streams from a data source;
a file navigator enabling selection of a particular file on the data source and instructing the file reader to obtain a selected encoded audio/video data stream from a corresponding file on the data source;
a splitter separating the encoded audio/video data stream obtained by the file reader into one or more component data streams; and
a reprogrammable proxy filter adapted to programmably operate on video data coded according to any one of a plurality of video data coding standards and on audio data separately coded according to any one of a plurality of audio data coding standards, the proxy filter decoding and converting the one or more component data streams into three or more renderable signals including at least one renderable audio signal and at least two renderable video signals. (emphasis added).

Notably, Claim 1 requires a file reader capable of obtaining any of one or more files containing audio/video streams for a data source. In addition, Claim 1 also requires, *inter alia*, a reprogrammable proxy filter adapted to programmably operate on video data coded according to any one of a plurality of video data coding standards and on audio data separately coded according to any one of a plurality of audio data coding standards.

Mimura discloses a system in which title sets corresponding to up to ten files may be selected. (Mimura, Figure 6). Mimura, therefore, fails to teach that the individual files

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themselves may be accessed through a "file reader capable of obtaining any of one or more files containing encoded audio/video streams from a data source," as required by Claim 1 and its dependents, Claims 2-8 and 11-19. Similar arguments exist for Claim 20. Likewise, similar arguments exist for Claim 25 and its dependents, Claims 26, 27, 31 and 32.

Despite the deficiencies of *Mimura*, the Office goes on to cite *Mincer* simply for teaching a "reprogrammable proxy filter", as required by Claim 1. Claim 1 requires that the *reprogrammable proxy filter* accommodates operation on video data coded according to *any one of a plurality of video data coding standards* (such as, for example, MPEG-1, MPEG-2 and MPEG-4) and on audio data separately coded according to *any one of a plurality of audio data coding standards* (such as, for example, AC-3, MPEG or PCM).

Mincer, however, simply teaches decoding audio and video data BOTH encoded according to the SAME one of a number of different data coding standards, but fails to suggest a mechanism that may decode video encoded according to a different standard (e.g., MPEG-4) and audio data encoded according to one standard (e.g., AC-3). There is therefore no teaching or disclosure within *Mincer* of a reprogrammable proxy filter as required Claim 1 and its dependents, Claims 2-8 and 11-19. Similar arguments exist for the "audio filter" and "video filter" required by Claim 20. Likewise, similar arguments exist for Claim 25 and its dependents, Claims 26, 27, 31 and 32

Mimura, either alone or in any combination with the *Mincer* and *Baumgartner*, fails to teach or disclose all of the required elements of independent Claims 1, 20 and 25. Moreover, there is no suggestion or motivation within any of these references to prompt one of ordinary skill

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to selectively combine discrete elements from each and then *seek out* still other elements, as required by Claims 1, 20 and 25 (and their respective dependents).

Accordingly, the Applicants respectfully request favorable reconsideration and the withdrawal the §103 rejection.

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CONCLUSION

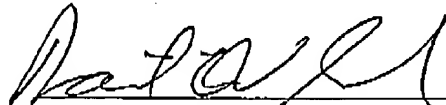
If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *dvenglarik@munckbutrus.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

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